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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,458	08/25/1999	YOSHIHIRO WATANABE	21.1918	5255
21171	7590	04/19/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PIZARRO, RICARDO M	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/382,458	Applicant(s) WATANABE, YOSHIHIRO	
	Examiner Ricardo Pizarro	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,7,9-17 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-2, 4, 6-13-15 and 21-22 is/are allowed.
- 6) ☒ Claim(s) 16, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by US patent No. 6,229,820 (Kanemaki).

Regarding claim 17, a subscriber terminal (Terminal 10 in Fig. 1) in a network which is provided a service via a switching system using multiple paths from a service provider, comprising: a path selecting device to select an unconnected path having a bandwidth which is largest among paths to provide a requested service(DTE 10 inputs a command purporting that the supply of multimedia services be received and generates a call connection request from large to small bandwidth values, col 9 line s40-43and 47-48) ; a message transmitting device to transmit a request message to set the path selected by said path selecting device to the switching system(a connection request message is transmitted by the transmit section of the DTE 10, col 9 lines 55-56) ; and a received message processing device to determine whether there are any paths which have to be set(DTE 10 comes into a standby status to receive by the receive section of the DTE 10 a completion of connection message , col 9 lines 56 and 62),.

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and to instruct the path selecting device to select the path having the largest bandwidth among the remaining paths to provide the service when there is any path which has to be set (upon receipt by DTE of the connection message interface 11 transmits data containing data of the connection request to control unit 14, CPU executes a program fro the plurality of setting processes stored in memory, col 9 lines 64-67, col 10 lines 1-2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of. US patent No. 6,229,820 (Kanemaki)

Regarding claim 16, Admitted prior art (Fig. 2) discloses path setting control method comprising sending a plurality of request messages from a subscriber to the switching system for different services (image, voice or control set up), and securing the bandwidth for each of the different paths, as in claim 16

.Admitted prior art did not specifically having said plurality of messages setting in order of large bandwidth to small bandwidth the various bandwidth which correspond to multiple paths required to provide a service , as in claim 16.

Kanemaki discloses a network and switching system , comprising sending a request message from a subscriber to a switching system to set in order of large bandwidth to small bandwidth the various bandwidth according to the different types of paths(connection request message in Fig. 9 including image data, text data and voice data col 9 lines 46-47), as in claim 16.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the bandwidth management disclosed by Kanemaki to the Admitted prior art to obtain a switching apparatus that offers diverse types of services such as voice, image and control.

The motivation to do so is obtaining a switching apparatus capable of decreasing the probability of a connection establishing a request being rejected.

Regarding claim 20, different type channels (image channel, voice channel disclosed in Fig. 2 of admitted prior art).

Allowable Subject Matter

3. Claims 1-2, 4, 6-15 and 21-22 are allowed.

Response to Arguments

4. Applicant's arguments filed on 1/17/06 have been fully considered but they are not persuasive.

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Regarding claims 16, 17 and 20 Applicant argues that Kanemaki fails to disclose having a plurality of messages set in order ^{from} ~~to~~ large bandwidth to small bandwidth to set various bandwidths that correspond to path to provide an application service. Examiner disagree since Kanemaki in Fig. 9 and col 9 lines 47-48 teaches a plurality of request messages set in order from large bandwidth to small bandwidth that correspond to different application services (Request messages in Fig.9 in order from Text 10Mbps bandwidth through Voice 1 Mbps bandwidth)

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Art Unit: 2616

Washington, D.C. 20231

or faxed to:

(571) 273-8300

.(for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 22- 20th Street S, Crystal Plaza Two, Lobby, Room 1B03, Arlington , VA 22202 (Customer window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is **(571) 272-3077**. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou** can be reached on (571) 272-3088

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 7, 2006.

Ricardo Pizarro



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600